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UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

WASHINGTON

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*Mr. Chris Tupper*

OFFICE OF  
THE DEPUTY DIRECTOR

December 28, 1971

MEMORANDUM FOR MR. HENRY A. KISSINGER  
THE WHITE HOUSE

Subject: NSSM 112

In response to the request from your Office for Agency comments on the IPMG memorandum on NSSM 112, and on the DoD studies enclosed therewith:

1. ACDA agrees that the basic issue presented by NSSM 112 - whether the US should at this time continue to preserve the option to initiate the use of RCAs and herbicides in war - is the same as that in the Geneva Protocol study. We also believe that the new DoD studies do not generate a need to modify the judgments and evaluations contained in the Geneva Protocol study.

2. While the DoD studies illustrate the undisputed fact that in certain special circumstances the unilateral use of RCAs and herbicides against an unprotected enemy can be helpful in achieving tactical objectives, they do not purport to deal with the political costs of preserving the option to make first use of such agents in war, and they do not adequately analyze the net military utility of that option. Specifically:

(a) They do not provide sufficient quantitative information to form a judgment on how often the advantages claimed for these agents in Vietnam were in fact realized, or how often they would be likely to be realized in future conflicts. Without some quantification and an evaluation of alternative methods

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it is difficult to assess objectively the net contribution of tear gas and herbicide use in Southeast Asia to our objectives there, and the importance of this contribution in view of other national objectives.

(b) They do not give sufficient emphasis to the marginal utility of RCAs against forces equipped with protective masks. (Army technical manual TM 3-215, states that tear agents "have little more than nuisance value in war in view of the effectiveness of the modern protective mask.")

(c) The projection by the Deseret Test Center of possible utility of RCAs in hypothetical future conflicts does not give adequate attention to the limitations on such utility in a conflict where the other side has such protective masks or a good capability to retaliate with these or other chemical weapons. Three of the four hypothetical cases considered (combat in Europe, against sophisticated forces in the Middle East, or against semi-sophisticated forces in Korea) would involve just such limitations. In the fourth (against insurgents in Latin America) such agents would seem to have limited utility at best under the stated premise that "the U.S. ground combat role is limited to securing major logistical bases and providing necessary advisory and technical assistance." Although RCAs might have utility in individual tactical situations in the four cases cited, first use of RCAs would appear to offer at most a marginal net advantage and could work to our disadvantage if the enemy also used RCAs or other chemical weapons in retaliation.

(d) Similar shortcomings are evident in the DoD analysis of the military effectiveness of herbicides. The most extensive use of herbicides in Vietnam has involved application over wide areas. Effective dissemination for this purpose requires air superiority and sufficient lack of enemy mobility or a sufficiently stabilized military situation to allow time for the herbicides to become effective. Consequently, effective wide area application of herbicides would not be feasible in a conflict with a sophisticated enemy. In assessing the

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contribution of herbicides to our efforts in Vietnam and future counterinsurgency situations, inadequate attention is given to the negative effect of such uses on vitally important pacification programs and on attempts to maintain the confidence and support of the local population. The adverse effects of herbicide use on the pacification program in Vietnam indicates that military applications of herbicides, while useful in certain tactical situations, may in the long run prove detrimental to our overall objectives.

(e) None of the DoD studies addresses the possibility that, in the case of countries (such as the Soviet Union) which ratified the Geneva Protocol with a no-first use reservation and consider that it covers RCAs and herbicides, our use of such agents against them could relieve them of their legal obligations under the Protocol to our allies. This has potential military significance in view of the chemical weapon capability of the Soviet Union and the poor state of CW defenses in Western Europe.

4. A political consideration supplementing those discussed in the Geneva Protocol study is the possibility that the BW Convention will be opened for signature early in 1972. U.S. ratification is a prerequisite to its coming into force. If the President wishes to round out his initiative on BW by bringing this Convention into force this year, and thus secure binding obligations by other states to follow the U.S. example, there are strong indications that the Foreign Relations Committee will seek, as a condition to acting on this Convention, modification of the Administration's position on RCAs and herbicides.

5. We share the view of the IPMG that the essential factors required for a decision on this matter are presented in the Geneva Protocol study, and consider it unlikely that further studies will materially affect the analysis of such

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factors made therein. We reconfirm the recommendations made in our memorandum of September 17, in which our first choice was Option B, Alternative 4 (i.e., to announce that, while we continue to believe that our understandings are legally and substantively correct, we will hereafter treat the Protocol as prohibiting the first use of RCAs and herbicides).

  
Philip J. Farley  
Acting Director

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